Case 2:21-cr-00247-ART-NJK Document 106 Filed 07/28/23 Page 1 of 3

JASON M. FRIERSON United States Attorney

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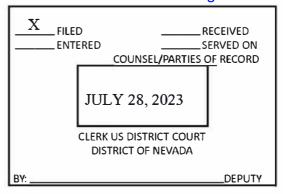
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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KIEON JOE'L CHERRY

Defendant.

Case No. 2:21-cr-247-ART-NJK

ORDER GRANTING STIPULATION FOR PRE-SENTENCE PAYMENT TOWARD RESTITUTION

The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the presentence deposit of funds to be withdrawn and applied toward Defendant Kieon Cherry's restitution amount in this matter at the time judgment is entered. The stipulation is based on the following:

- 1. On September 8, 2021, Defendant Kieon Cherry ("Cherry") was indicted on one count of depredation against property of the United States in violation of 18 U.S.C. § 1361 and 2. ECF No. 24.
- 2. The parties have entered into a signed Plea Agreement, wherein Cherry will plead to a one-count information charging him with depredation against property of the United States in violation of 18 U.S.C. § 1361 and 2.

- 3. Pursuant to the Plea Agreement, Cherry agreed to "voluntarily release funds and property under defendant's control or in which defendant has any property interest, before and after sentencing, to pay any fine or restitution identified in this agreement, agreed to by the parties, or ordered by the Court." Cherry further agreed to "make a payment at or before the time of entry of plea in the amount in the amount of \$1,237."
- 4. The parties have conferred and hereby stipulate to the pre-sentence deposit of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this matter by the Court.
- 5. The parties seek an order directing the Clerk of Court to accept Cherry's presentence payments for restitution. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of Cherry until the time of sentencing. Further, pursuant to 28 U.S.C. § 2042, the parties request an order that upon the entry of a criminal judgment in this case, the Clerk of Court is to withdraw and apply the deposited funds to the criminal financial obligations, including restitution, imposed against Cherry in the sequence established in 18 U.S.C. § 3612(c).
- 6. Cherry may submit payment by cash, cashier's check, or money order made payable to "Clerk, U.S. District Court" with "2:21-cr-00247-ART-NJK" noted on each payment mailed or delivered to:

Clerk of the Court, District of Nevada 333 Las Vegas Boulevard, South Room 1334

Las Vegas, Nevada 89101

1 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to 2 accept pre-sentence payments to be held on deposit until judgment is entered, and thereafter 3 applied toward the criminal monetary penalties, including restitution, imposed in this matter as provided by law and in accordance with the Clerk's standard operating 4 5 procedures. 6 Respectfully submitted this 27th day of July 2023. 7 JASON M. FRIERSON 8 United States Attorney /s/ Kimberly A. Sokolich KIMBERLY A. SOKOLICH Assistant United States Attorney 10 11 12 /s/ Yi-Lin Zheng 13 YI-LIN ZHENG Attorney for Defendant KIEON CHERRY 14 15 IT IS SO ORDERED: 16 17 NE R. TRAUM UNITED STATES DISTRICT JUDGE 18 DATED: July 28, 2023 19 20 21 22 23 24